IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5703 of 2007()

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CRIME NO. 180/07 OF PALLICKATHODE POLICE STATION
CRMP.2015/2007 of DISTRICT COURT, KOTTAYAM

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PETITIONERS/ACCUSED 2 AND 3

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1. BIJU N. GEORGE, S/O. AVIRA VARKEY,
MOONGATHOTTATHIC, ANICKADU EAST P.O.,
ANICKADU, KOTTAYAM.

2. BASTIN P., S/O. P.T.DEVASSIA,
PAZHANAL HOUSE, CHENGALAM P.O., KOTTAYAM.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS: STATE

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STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 5703 of 2007

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Dated this the 8th day of October, 2007

**O R D E R**

Application for anticipatory bail. The petitioners face allegations in a crime registered for offences punishable, inter alia, under Section 392 r/w. 34 I.P.C. The learned counsel for the petitioners submits that, as a matter of fact, there are no elements of the offence alleged in the transaction in question. More over, the parties have settled the dispute and have entered into an agreement. The fact has been reported to the police also. In these circumstances the petitioners may be granted anticipatory bail, prays the counsel.

2. The learned Prosecutor, on instructions, submits that the parties have settled their disputes and the police have no objection in anticipatory bail being granted to the petitioners.

3. I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners, subject to appropriate terms and conditions,

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 15.10.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 15.10.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 15.10.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 1510.2007.

**(R. BASANT)**
Judge

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